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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,142	03/31/2004	Robert A. Clark	A0B04-US-Div1	9188
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25453 7590 05/16/2006

PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR
ROCHESTER, NY 14644

EXAMINER

BOLLINGER, DAVID H

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/815,142

EXAMINER

ART UNIT	PAPER
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20060512

DATE MAILED:

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Commissioner for Patents

David H Bollinger
Primary Examiner
Art Unit: 3653

1. The amendment filed on 9 May 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the remaining claims are directed to a method (claims 5 and 6) and an apparatus (newly presented claims 7 and 8) for real time measuring of print substrate bending stiffness. The originally filed claims 1-4, as stated in the previous Office notice of non-responsive amendment mailed 26 April 2006, were directed to pneumatically separating and feeding a sheet by corrugating the sheet and did not recite any sensing or measuring of the deformation of the sheet or any control of the feeding operation based on such sensing. While original claims 3 and 4 originally presented did include sensing, as pointed out by applicant in the 9 May 2006 amendment, these claims did not include particulars as to the sensing arrangement as is now presented in claims 5-8. Since claims 5-8 now present a particular regime for measuring the deformation of the sheet and controlling the feed based on this measuring regime the claims are considered directed to a non-elected invention by original presentation. It was also noted, in the letter of 26 April 2006, that the preamble of the originally filed claims recited a method, but the claims contained only structure to the apparatus for performing a method.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


2. Applicant's arguments filed 9 May 2006 have been fully considered but they are not persuasive. Applicant has stated the previously present amendment filed 12 April 2006 was refused entry apparently because the newly presented claims 5 and 6 were not apparatus claims. It should be noted that claims 5 and 6 have not been refused entry, but only held directed to an invention non-elected by original presentation and the amendment held non-responsive since they are the only remaining claims. Since claims 5 and 6 have not been denied entry and are pending in this application it is noted that the status identifier of NEW in the 9 May 2006 is incorrect. The status identifier for claims 5 and 6 should be PREVIOUSLY PRESENTED. Further, the claims were not held non-responsive because that were not apparatus claims. As stated above, the reason such claims presented in the amendment of 12 April 2006 were held non-responsive is because the claims 5 and 6 were directed to measuring the stiffness of the sheet in real time. As related above, claims 5 and 6 are again considered directed to a non-elected invention by original presentation. Newly presented claims 7 and 8 are also considered directed to a non-elected invention by original presentation as related above.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-272-6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

Art Unit: 3653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis, can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner 5/12/06
Art Unit 3653